In the Supreme Court of the United States

OCTOBER TERM, 1931

No. 513

THE UNITED STATES, APPELLANT

v.

O. B. LIMEHOUSE

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF SOUTH CAROLINA

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, appellant submits herewith its statement showing the basis of this Court's jurisdiction in the above-entitled cause:

A

STATUTES

The statutory jurisdiction of this Court to review by direct appeal the orders here complained of is conferred by the Act of March 2, 1907, c. 2564, 34 Stat. 1246 (U. S. C., Title 18, Sec. 682), other-

wise known as the Criminal Appeals Act, and by Section 238 of the Judicial Code as amended by the Act of February 13, 1925.

B

DATES OF ORDERS AND APPLICATION FOR APPEAL

The orders of the District Court were entered October 13, 1931. (R. 47–50.)[1] An application for appeal was filed November 4, 1931, and allowed the same day. (R. 54.) The case was docketed in this Court on November 11, 1931.

C

NATURE OF THE CASE

The indictment, containing thirty counts, was based upon Section 211 of the Criminal Code (U. S. C., Title 18, Sec. 334), and charges in each count the mailing of "a certain filthy letter and writing" which is set forth *in haec verba* (R. 2–34). A demurrer and a motion to quash the indictment were sustained on the ground that the word "filthy," as used in Section 211 of the Criminal Code, did not include the letters set forth in the indictment. (R. 35–52.)

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[1]All references to the record are to the pages of the certified unprinted record prepared by the Clerk of the District Court and on file with the Clerk of this Court. The record has not yet been printed.

D

CASES SUSTAINING JURISDICTION

United States v. *Patten*, 226 U. S. 525, 535.

United States v. *Birdsall*, 233 U. S. 223, 230.

United States v. *Colgate & Co.*, 250 U. S. 300.

Respectfully submitted.

THOMAS D. THACHER,
Solicitor General.

NOVEMBER, 1931.

U. S. GOVERNMENT PRINTING OFFICE: 1931